

621—7.5(20) Binding arbitration.

7.5(1) *Request for arbitration.* At any time following the making public by the board of the fact finder's report and recommendations, either party to an impasse may request the board to arrange for binding arbitration. In disputes unresolved after mediation where all or a portion of the public employees in the bargaining unit are teachers licensed under Iowa Code chapter 260 and the public employer is a school district, community college, or area education association, such request may be made not less than ten days after the effective date of the appointment of the mediator but must be made not later than April 16 of the year when the resulting collective bargaining agreement is to become effective.

7.5(2) *Form and contents of request.* The request for arbitration shall be in writing and shall include the name, address and signature of the requesting party and the capacity in which acting.

7.5(3) *Service of request.* The requesting party shall serve a copy of the request for arbitration upon the opposing party by ordinary mail.

7.5(4) *Preliminary information.* Within four days of the filing of the request with the board for arbitration, each party shall submit to the board the following information:

a. Final offers shall not be amended. A party shall not submit an offer for arbitration which has not been offered to the other party in the course of negotiations.

b. Two copies of the final offer of the party on each impasse item.

c. Two copies of the agreed upon provisions of the proposed collective bargaining agreement.

d. The name of the parties' selected arbitrator, or name of a single arbitrator where the parties agree to submit the dispute to a single arbitrator.

e. Certificate of service upon the opposing party of items "b" and "d" above.

7.5(5) *Selection of chairperson.* Within eight days of the filing of the request for arbitration, the arbitrators selected by each party shall attempt to agree upon the selection of a third person to act as chairperson of the arbitration panel. If the parties to the impasse fail to agree upon an arbitration chairperson within the time allotted under this rule, the board shall submit a list of three persons who have agreed to act as arbitration chairperson to the parties. The parties shall then select the arbitration chairperson from the list as provided by the Act.

7.5(6) *Date and conduct of hearings.* Impasse items are deemed submitted to binding arbitration on the date of the commencement of the arbitration hearing, regardless of its duration. In disputes where the public employer is a community college, or where all or a portion of the public employees in the bargaining unit are teachers licensed under Iowa Code chapter 260 and the public employer is a school district or area education agency, the submission of impasse items to binding arbitration shall occur not later than May 13 of the year when the resulting collective bargaining agreement is to become effective.

Arbitration hearings shall be open to the public and shall be recorded either by mechanized means or by a certified shorthand reporter. The arbitration hearing shall be limited to those factors listed in Iowa Code section 20.22 and such other relevant factors as may enable the arbitrator or arbitration panel to select the fact finder's recommendation (if fact-finding has taken place) or the final offer of either party for each impasse item. Arbitrators appointed pursuant to impasse procedures agreed upon by the parties shall likewise consider the factors listed in section 20.22.

7.5(7) *Continued bargaining.* The parties may continue to bargain on the impasse items before the arbitrator or arbitration panel until the arbitrator or arbitration panel announces its decision. Should the parties reach agreement on an impasse item, they shall immediately report their agreement to the arbitrator or arbitration panel. The arbitrator or arbitration panel shall add the agreed upon term to the collective bargaining contract and shall no longer consider the final offers of the parties or the fact finder's recommendation on that impasse item.

7.5(8) *Report of the arbitrator or arbitration panel.* Within 15 days after its first meeting (unless such time period is waived by the parties), the arbitrator or arbitration panel shall issue the award and serve each party and the board with a copy by ordinary mail. In reaching the panel decision, the chairperson may communicate telephonically, by mail, or may meet individually or collectively with the other panel members.

7.5(9) *Dismissal of arbitrator or arbitration panel.* In the event of a failure of the arbitrator or arbitration panel to issue the award within 15 days of the first meeting, the arbitrator or chairperson of the

arbitration panel shall notify the board and the parties of this failure. Either party may thereafter request a new arbitrator or arbitration panel. Unless the parties agree otherwise, the procedures in subrules 7.5(1) to 7.5(5) shall apply; provided, however, that the parties may submit new final offers and nominate different arbitrators. No arbitrator or arbitration panel shall issue a partial award except by mutual consent of the parties.

7.5(10) *Costs of arbitration.* The arbitrator shall submit to the parties a written statement of fees and expenses with a copy sent to the board. The parties shall share the costs of arbitration equally.